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Corporation Counsel

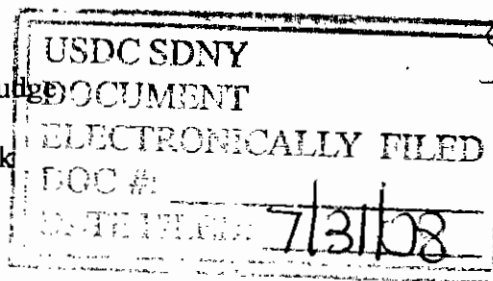
**THE CITY OF NEW YORK
LAW DEPARTMENT**
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July 24, 2008

BY FAX

Honorable Robert W. Sweet
United States District Court Judge
United States Courthouse
Southern District of New York
500 Pearl Street
New York, New York 10007
Fax: (212) 805-7925



*Soor deed
Sweet USDC
7.30.08*

Re: Myra Roper v. City of New York, et al., 08 CV 4347 (RWS)

Dear Judge Sweet:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel for the City of New York, assigned to the above-referenced case on behalf of defendants the City of New York and Police Officer David Hodgkins (hereafter, the "City defendants").¹ I am writing with the consent of plaintiff's counsel, Kim Eleazer Richman, Esq., to respectfully request that the City be granted a sixty (60) day enlargement of time from July 28, 2008, to September 26, 2008, to answer or otherwise respond to the complaint. This is the City's second request for an enlargement of time in this action.

The complaint alleges, *inter alia*, that plaintiff Myra Roper was subjected to false arrest and imprisonment; excessive force; and malicious prosecution. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure. The enlargement of time will afford us the opportunity to investigate the matter.

¹ On information and belief, the individual identified in the caption of the complaint as "P.O. Keith Hockaday" was served with the summons and complaint in this action on or about May 8, 2008. However, to date, representational issues are still being resolved with respect to Officer Hockaday. Although this office does not currently represent Officer Hockaday, this office also respectfully requests this extension on his behalf in order to prevent his defenses from being jeopardized while representational issues are being resolved.

We are seeking a second adjournment in this matter because plaintiff has, to date, failed to provide releases in this matter which would allow this office to investigate this case and properly answer the complaint. Shortly after the complaint was served on the City defendants, on May 28, 2008, and on June 16, 2008, this office forwarded to plaintiff's counsel for execution releases for plaintiff's medical records. On May 28, 2008, and on June 16, 2008, this office also forwarded to plaintiff's counsel for execution consents to the designation of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to New York Criminal Procedure Law §160.50. Pursuant to that statute, all official records concerning plaintiff's arrest and prosecution, including police records, are sealed. Defendants cannot obtain these records without the designation and medical releases, and, without these records, defendants cannot properly assess this case or respond to the complaint.

Today, July 23, 2008, plaintiff's attorney informed this office that he currently has §160.50 and medical releases in his possession which he will be mailing to this office today. Because this office is awaiting receipt of releases from plaintiff, we respectfully request the enlargement of time, which will afford us the opportunity to process the outstanding releases and investigate the matter.

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City defendants' time to answer the complaint until September 26, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



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